

Message Text

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ORIGIN EB-07

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FM SECSTATE WASHDC

TO AMEMBASSY RABAT

AMCONSUL CASABLANCA

UNCLAS STATE 089552

E.O. 11652:N/A

TAGS: EAIR, MO

SUBJECT: CIVAIR: MOROCCAN REQUEST TO REVISE TEXT OF
ROYAL AIR MOROC'S FOREIGN AIR CARRIER PERMIT

1. IN A LETTER DATED APRIL 8, 1975 ADDRESSED TO CAB,
WASHINGTON, MR. M. MEKOUAR, MOROCCO'S DIRECTOR OF AIR
TRANSPORT, HAS REQUESTED CAB TO REVISE ROYAL AIR MOROC'S
FOREIGN AIR CARRIER PERMIT TO REFLECT THE LANGUAGE OF
ARTICLE 2 OF THE US-MOROCCO AIR TRANSPORT SERVICES
AGREEMENT. MEKOUAR POINTS OUT THAT AGREEMENT PROVIDES FOR
THE RIGHT OF TRANSIT, THE RIGHT TO LAND FOR NON-COMMERCIAL
REASONS AND THE RIGHT TO LOAD AND UNLOAD IN INTERNATIONAL
COMMERCIAL TRAFFIC PASSENGERS, CARGO AND MAIL, SEPARATELY
OR IN COMBINATION. FOREIGN AIR CARRIER PERMIT, HOWEVER,
AUTHORIZES CARRIER "TO ENGAGE IN FOREIGN AIR TRANSPORTATION
OF PERSONS, PROPERTY AND MAIL (BETWEEN LISTED POINTS)...
AND TO ENGAGE IN CHARTER TRIPS (SUBJECT TO CONDITIONS)".

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2. DEPARTMENT REQUESTS EMBASSY TO RESPOND TO MEKOUAR'S
LETTER TO CAB, EXPLAINING THAT USG PRACTICE IS TO USE
STANDARD TEXT IN FOREIGN AIR CARRIER PERMITS. WHILE TEXT
OF PERMIT MAY NOT NECESSARILY COINCIDE WITH PHRASING OF
ANY ONE BILATERAL AGREEMENT(SUCH AS US-MOROCCO), PERMIT

CONFERS TO RAM FULL TRAFFIC AUTHORITY DUE UNDER TERMS OF BILATERAL. NO FOREIGN AIR CARRIER PERMIT IS NEEDED FOR TRANSIT RIGHTS AND NON-TRAFFIC STOPS. WE SUGGEST EMBASSY REPLY BE BY LETTER TO MEKOUAR. TEXT ALONG FOLLOWING LINES SUGGESTED.

3. DEAR MR. MEKOUAR:

THE EMBASSY HAS BEEN REQUESTED TO RESPOND TO YOUR LETTER OF APRIL 8, 1975, FILE NUMBER 001285 DA/6, ADDRESSED TO THE UNITED STATES CIVIL AERONAUTICS BOARD, WASHINGTON, D.C., CONCERNING THE FOREIGN AIR CARRIER PERMIT ISSUED TO ROYAL AIR MOROC. YOU HAVE EXPRESSED AN INTEREST IN RE-CONCILING THE TEXT OF THE PERMIT WITH THAT OF THE UNITED STATES-MOROCCO AIR TRANSPORT SERVICES AGREEMENT.

THE EMBASSY HAS BEEN INSTRUCTED TO ADVISE YOU THAT IT IS THE PRACTICE OF THE CIVIL AERONAUTICS BOARD TO USE A STANDARD TEXT IN EXPRESSING TRAFFIC AUTHORITY GRANTED IN ITS FOREIGN AIR CARRIER PERMITS. THIS TEXT IS UNIFORMLY APPLIED TO ALL CARRIERS AND MAY NOT NECESSARILY CORRESPOND WITH THE PHRASING OF BILATERAL AGREEMENTS BETWEEN THE UNITED STATES AND THE COUNTRIES CONCERNED. THIS SHOULD NOT BE INTERPRETED TO MEAN THAT THE RIGHTS CONFERRED BY THE PERMITS ARE INCONSISTENT WITH THOSE PROVIDED BY THE AGREEMENTS.

IN CASE OF MOROCCO, THE FOREIGN AIR CARRIER PERMIT OF ROYAL AIR MOROC AUTHORIZES THE CARRIER TO ENGAGE IN FOREIGN AIR TRANSPORTATION OF PERSONS, PROPERTY AND MAIL BETWEEN A POINT OR POINTS IN MOROCCO, THE INTERMEDIATE POINT NEW YORK, NEW YORK, AND THE TERMINAL POINT MONTREAL, CANADA, AND TO ENGAGE IN CHARTER TRIPS, SUBJECT TO CONDITIONS. THIS AUTHORITY CONFERS FULLY UPON MOROCCO'S DESIGNATED CARRIER, ROYAL AIR MOROC, THE TRAFFIC RIGHTS UNCLASSIFIED

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SPECIFIED IN ARTICLE 2 OF THE UNITED STATES-MOROCCO AIR TRANSPORT AGREEMENT, NAMELY: "...THE RIGHTS OF COMMERCIAL ENTRY AND DEPARTURE FOR INTERNATIONAL TRAFFIC IN PASSENGERS, CARGO AND MAIL, SEPARATELY, OR IN COMBINATION, AT THE POINTS IN ITS TERRITORY NAMED ON EACH OF THE ROUTES SPECIFIED IN THE APPROPRIATE PARAGRAPH OF THE ROUTE SCHEDULE ANNEXED TO THIS AGREEMENT."

NON-TRAFFIC AIR RIGHTS DO NOT COME WITHIN THE PURVIEW OF FOREIGN AIR CARRIER PERMIT PROCEEDINGS, BUT ARE GUARANTEED UNDER TERMS OF THE ABOVE MENTIONED

BILATERAL AGREEMENT AND UNDER THE INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT.

ALTHOUGH IT WOULD BE INCONSISTENT WITH LONG ESTABLISHED
UNITED STATES GOVERNMENT PRACTICE TO REVISE ROYAL AIR
MOROC'S FOREIGN AIR CARRIER PERMIT, AS REQUESTED, THE
EMBASSY IS INSTRUCTED TO ASSURE YOU THAT THEGOVERNMENT
OF THE UNITED STATES CONTINUES TO OBSERVE FULLY ALLTHE
PROVISIONS OF THE UNITED STATES-MOROCCO AIR TRANSPORT
SERVICES AGREEMENT AND AFFIRMS THE GRANT TO MOROCCO
OF ALL AIR TRANSPORT RIGHTS ENNUMERATED IN ARTICLE2 OF
THAT AGREEMENT.

COMPLIMENTARY CLOSE. KISSINGER

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